

request that, in accordance with the Associate Power filed on August 23, 2002, the Patent Office records be changed to reflect that all future correspondence regarding this matter be mailed to the following:

Karen A. Lowney  
Estee Lauder Companies  
125 Pinelawn Road  
Melville, NY 11747

If the Patent Office records cannot be changed at this time, it is respectfully requested that the Examiner explain why the records cannot be changed so that Applicants can take the steps necessary to make the change of address.

#### **Notice of Non-Compliant Amendment**

This paper and attached Compliant Amended Claims are submitted in response to a Notice of Non-Compliant Amendment (hereinafter "NOTICE") mailed November 26, 2003.

As an initial matter, the NOTICE appears itself to be non-compliant. The NOTICE (see copy attached) fails to indicate what the Office finds non-compliant in the Response. Telephone calls to "RM LLOYD", the Legal Instruments Examiner named on the NOTICE were not returned. Accordingly, Applicant has prepared this Supplemental Response and attached Compliant Amended Claims based on a review of the current amendment format, as inferred in the NOTICE.

Applicant notes that the previously submitted amendments were prepared in accordance with the Revised Notice stapled to the Office Action mailed on May 14, 2003. Thus, the amendments were in compliance with the format in effect at the time the Office Action was mailed.

The attached Compliant Amended Claims have been prepared using the Revised Amendment Practice (Rev. 3 dated 7/24/03). Presumably, the amendments are now compliant.

As noted in the Response After Final submitted on November 14, 2003, claims 1-17 are pending in the application. Claims 11 and 13-17 stand withdrawn from consideration by the examiner as being drawn to a non-elected invention. Claims 1-10 and 12 stand rejected.

In the attached Compliant Amended Claims, in accordance with the present amendment format:

Page 2 of 3

Ser. No. 09/863,845 – Supplemental Response After Final  
Examiner: Tri M. Mai - A/u 3727

-claims 11 and 13-17 are parenthetically indicated as being 'withdrawn', but the text of each of the claims is reproduced in its entirety;

-claims 1 and 10 are parenthetically indicated as being 'amended', and are reproduced in their entirety with markings to show current changes; and

-claims 2-9 and 12 are parenthetically indicated as being 'original', and are reproduced in their entirety.

Entry of the Response After Final submitted on November 14, 2003 together with the Compliant Amended Claims submitted herewith is respectfully requested. Reconsideration based on the Compliant Amended Claims and the remarks in the Response After Final is also respectfully requested.

In view of the Compliant Amended Claims and the remarks in the Response After Final it is respectfully submitted that the present invention is patentable over the cited prior art. Early and favorable consideration is respectfully requested. Applicants reserve the right to file division, continuation and continuation-in-part applications to prosecute any inventions or species.

It is believed that there are no fees or charges due at this time. If there are fees or charges due at this time, the Commissioner is authorized to charge Deposit Account No. 05-1320.

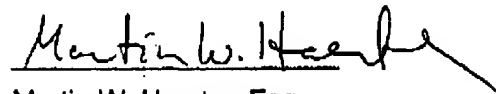
An Information Disclosure Statement By Applicant (1 page) listing two references (US 2,013,382 and US 3,007,594) was submitted to the Office on November 14, 2003. Applicant respectfully requests that the IDS be entered in the file and the references be considered by the Examiner.

If there are any other issues remaining which the Examiner believes could be resolved through telephone contact, the Examiner is respectfully encouraged to call the undersigned at the telephone number indicated below.

December 23, 2003

Estee Lauder Companies  
125 Pinelawn Road  
Melville, New York 11747  
631-531-1195

Respectfully submitted,



Martin W. Haerter, Esq.  
Reg. No. 37,842  
Attorney for Applicant

<p><b>CERTIFICATE OF TRANSMISSION</b> <b>Under 37 C.F.R. 1.8</b> I hereby certify that this paper and every paper referred to therein as being enclosed is being facsimile transmitted to the United States Patent and Trademark Office via tel. No. (703) 305-3579 on December 23, 2003 (Date of Transmission).</p> <p><u>Martin W. Haerter</u> Signature of Person Mailing Correspondence <u>Martin W. Haerter</u> Printed Name of Person Mailing Correspondence</p>
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Ser. No. 09/863,845  
Examiner: Tri M. Mai - A/u 3727

**COMPLIANT AMENDED CLAIMS**  
Submitted 12/23/2003

1. (currently amended) A thick-walled container comprising:  
a first thin-walled bottle with a neck extending from a storage portion to a distal end having an opening, the storage portion defining a storage chamber in fluid communication with a passage through the neck to the opening, the storage chamber having a peripheral wall and a bottom wall at least one of which has a minimum wall thickness; and  
a resin body injection over-molded about the first bottle such that at least the distal end of the neck protrudes from the resin body, the resin body having a maximum wall thickness at least three times greater than the minimum wall thickness of the storage portion.
2. (original) The thick-walled container of claim 1 wherein the bottle is made from one of metal or glass.
3. (original) The thick-walled container of claim 2 wherein the metal is aluminum.
4. (original) The thick-walled container of claim 1 wherein at least one of the bottle and the resin body is transparent.
5. (original) The thick-walled container of claim 1 wherein the resin body is transparent and the storage portion of the bottle is substantially round.
6. (original) The thick-walled container of claim 5 wherein the resin body is square.

Ser. No. 09/863,845  
Examiner: Tri M. Mai - A/u 3727

Page 1 of 3

**COMPLIANT AMENDED CLAIMS**

7. (original) The thick-walled container of claim 1 wherein the resin body substantially encapsulates the bottle except for the protruding distal end of the neck.

8. (original) The thick-walled container of claim 1 wherein the resin body is transparent and at least a portion of an outer surface of the bottle beneath the resin body is provided with a treatment in the form of one of grinding, etching, cutting, a coating, a label and a transfer.

9. (original) The thick-walled container of claim 8 wherein the treatment further comprises indicia.

10. (currently amended) The thick-walled container of claim 1 wherein the resin body is made from Surlyna molding resin selected from a thermoplastic resin and a thermoset resin.

11. (withdrawn) The thick-walled container of claim 1 wherein the resin body further comprises at least one clearance exposing part of an outer surface of the bottle.

12. (original) The thick-walled container of claim 3 wherein at least the passage and the storage chamber are anodized.

13. (withdrawn) The thick-walled container of claim 1 further comprising a second bottle with a neck extending from a storage portion to a distal end having an opening, wherein the resin body is over-molded about the second bottle such that at least the distal end of the neck of the second bottle protrudes from the resin body.

14. (withdrawn) A method of making a thick-walled container comprising the steps of:

providing at least one thin-walled bottle, the bottle having a neck extending from a storage portion to a distal end having an opening, the storage portion defining a storage chamber in fluid communication with a passage through the neck to the opening, the storage chamber having a peripheral wall and a bottom wall at least one of which has a minimum wall thickness;

positioning the bottle in a mold cavity defined by opposing dies, the bottle positioned in the mold cavity such that at least the distal end of the neck protrudes from the mold cavity through an aperture defined between the opposing dies, the aperture adapted and dimensioned to seal the opposing dies against a corresponding surface of the bottle;

injecting resin into the mold cavity at a pressure sufficiently low to avoid breaking or collapsing the bottle; and

curing the resin sufficiently to remove the thick-walled container from the mold cavity.

15. (withdrawn) The method of claim 14 wherein the bottle is made from one of glass or metal.

16. (withdrawn) The method of claim 15 wherein the metal is aluminum.

17. (withdrawn) The method of claim 14 further comprising an elastomer gasket in the aperture to seal the opposing dies against the corresponding surface of the bottle.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,845	05/23/2001	Herve F. Bouix	2870/296	9937
26646	7590	11/26/2003	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			MAJ, TRIM	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/ptognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

RM LLOYD  
Legal Instruments Examiner (LIE)

703-305-3575  
Telephone No.

Rev. 10/03